

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

Nicki M. Todaro,

Debtor/Plaintiff,

vs.

Wells Fargo Bank, N.A.,

Defendant.

Wells Fargo Bank, N.A.,

Third Party Plaintiff,

vs.

PNC Bank, N.A.,

Third Party Defendant.

Case No. 19-23010-CMB

Chapter No. 13

Adversary No. 20-02035-CMB

Related to Document Nos. 11, 14, 42

ORDER OF COURT

AND NOW, this _____ day of _____, 2021, upon consideration of the Motion for Default Judgment Against PNC Bank, N.A. filed by Wells Fargo Bank, N.A., it is hereby

ORDERED, ADJUDGED AND DECREED, that the Motion for Default Judgment Against PNC Bank, N.A. is hereby granted and the averments of fact contained in the Third Party Plaintiff's Complaint are admitted as true for failure of the Third Party Defendant, PNC Bank, N.A. to respond thereto by the deadline therefor set forth in Order of Court dated December 2, 2020, so that there are no issues of fact for disposition at the time of trial which would prevent the court from granting the relief requested against PNC Bank, N.A. in the Third Party Plaintiff's Complaint, and default judgment is hereby entered against the Third Party Defendant, PNC Bank, N.A.; and it is hereby

FURTHER ORDERED, ADJUDGED, and DECREED the lien of the mortgage held by PNC Bank, N.A. up to the maximum principal amount of \$50,000.00, dated April 23, 2007 and recorded on May 11, 2007 in the Office of the Recorder of Deeds in and for Fayette County, Pennsylvania at Instrument Number 200700006581, against the Debtor's Property known as 736 2nd Street, Newell, PA 15466 (hereinafter called "Property") is hereby subordinated to the lien of the Mortgage in the amount of \$69,190.00 in favor of Wells Fargo Bank, N.A., dated August 11, 2009 and recorded on August 19, 2009 in the Office of the Recorder of Deeds in and for Fayette County, Pennsylvania at Instrument Number 200900009878 (hereinafter called "Wells Fargo Mortgage"), against the Property and the lien of the Wells Fargo Mortgage shall hold first lien position against the Property superior to all other liens, claims and/or encumbrances against the Property, including, but not limited to, the lien of the aforesaid mortgage held by PNC Bank, N.A.; and it is hereby

FURTHER ORDERED, ADJUDGED, and DECREED that, in the alternative, the lien of the mortgage held by PNC Bank, N.A. up to the maximum principal amount of \$50,000.00, dated April 23, 2007 and recorded on May 11, 2007 in the Office of the Recorder of Deeds in and for Fayette County, Pennsylvania at Instrument Number 200700006581, against the Debtor's Property is hereby satisfied and extinguished and the lien of the Wells Fargo Mortgage in the amount of \$69,190.00 in favor of Wells Fargo Bank, N.A., dated August 11, 2009 and recorded on August 19, 2009 in the Office of the Recorder of Deeds in and for Fayette County, Pennsylvania at Instrument Number 200900009878, shall hold first lien position against the Property superior to all other liens, claims and/or encumbrances against the Property; and it is hereby

FURTHER ORDERED, ADJUDGED and DECREED that Wells Fargo Bank's claim in this Bankruptcy, based upon the herein described Wells Fargo Mortgage, shall remain a secured claim in the above-captioned Bankruptcy based upon Wells Fargo's Mortgage lien against the

Property holding first lien position against the Debtor's Property and the claim of PNC Bank, N.A. in this Bankruptcy shall be an unsecured claim; and it is hereby

FURTHER ORDERED, ADJUDGED AND DECREED that the Third Party Plaintiff, Wells Fargo Bank, N.A., is authorized and directed to record a certified copy of this Order of Court in the Office of the Recorder of Deeds in and for Fayette County, Pennsylvania and cross-reference this Order of Court with the Wells Fargo Mortgage and the herein described mortgage held by PNC Bank, N.A.

BY THE COURT:

U.S. Bankruptcy Judge